

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6, 7, 11, 12, 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (US 4,815,633) in view of Chan et al. (US 5,647,391).

Regarding claim 1, Kondo discloses a process for the customization of consumer products that includes the steps of preparing the products according to selections made by a consumer from available options that are shown on a vending system interface (col. 2 line 20+, see Fig. 1), customizing the products from available options for the products shown on the vending system interface (see Fig. 5, Fig. 6B, col. 4 line 48+), selecting the amount of the products from options shown on the vending system interface (col. 7 line 13+, see Fig. 5, supply amount for each ingredient determines product amount, well-known to select product amount--small, large, etc.), reconstituting the product with one or more other components (i.e., adding hot water, col. 7 line 13+), and dispensing the customizable product from the vending system into a storage container at a dispense point of the system (col. 4 line 1+, col. 7 line 20+, see Fig. 3). Note that all selections from available options are considered optional.

The process of Kondo differs from the claimed invention in that the customizable consumer products are not shown to be cleaning products.

Chan discloses a means for measuring the amounts of reactants added to a solution, wherein the solution is a customized cleaning product (col. 1 line 24+).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Kondo to include customizing cleaning products, as taught by Chan, to provide consumers with a simple means of controlling cleaning product characteristics using a vending system. Furthermore, it would have been obvious to one skilled in the art that the process of Kondo could be used to customize a variety of consumer products, not just beverages. The particular consumer product that is customized would be a matter of design choice.

Regarding claim 2, the process of Kondo allows for multiple customization and reconstitution with one or more other components (water, cream, sugar) and dispensing of consumer products. Regarding claim 3, the product is dispensed into a reusable storage container (261, Fig. 3). Regarding claims 6 and 7, the features of the invention recited in these claims has been addressed already in the rejection above. Regarding claims 11 and 12, the vending system is connected to a plurality of interfaces (buttons on keypad in Fig. 1) that are capable of being connected to additional vending systems and used to customize products with the additional vending systems. Regarding claims 14, 15, and 18, the system is adapted to use a batch process for handling product orders (see Fig. 6A).

3. Claims 4, 5, 8, 9, 10, 13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al. (US 4,815,633) in view of Chan et al. (US 5,647,391) further in view of Partyka et al. (US 5,941,363).

Kondo in view of Chan show all the features of the claimed invention, including the vending system being connected to a plurality of interfaces (buttons on keypad in Fig. 1) that are capable of being connected to additional vending systems and used to customize products with the additional vending systems (claim 13). Regarding claims 16 and 17, the system is adapted to use a batch process for handling product orders (see Fig. 6A).

Kondo in view of Chan do not show a remote means of operating the vending system comprising an electronic communication device (claims 4, 5, 8, 9, 10).

Partyka discloses a system for monitoring multiple remote vending systems that includes a remote means of operating the system comprising an electronic communication device (col. 6 line 32+, col. 7 line 4+).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the process of Kondo in view of Chan to include a remote means of operating the vending system, as taught by Partyka, to provide users with easier access to the vending system and to enable easier maintenance of the system.

Response to Arguments

4. Applicant's arguments filed September 13, 2007 have been fully considered but they are not persuasive. Applicant argues that the prior art references do not disclose

all the recited features of the claimed invention and that there is no motivation to combine the references. In particular, applicant argues that there is no suggestion that the system of Kondo could be used to dispense cleaning products, that the system of Kondo does not provide the option of obtaining a product that is not reconstituted, and that the system of Partyka does not disclose a means of remotely operating a vending machine.

The examiner disagrees and stands by the rejection. In the examiner's view, the systems of Kondo and Chan are closely related, both directed to a means for producing customized solutions (i.e., coffee and cleaning solution), and would constitute analogous art. As stated in the rejection above, the motivation for combining the teachings of the references would be to provide consumers with a simple means of controlling cleaning product characteristics using a vending system. It is further argued in the rejection that it would have been obvious to one skilled in the art that the process of Kondo could be used to customize a variety of consumer products, not just beverages. The particular consumer product that is customized would be a matter of design choice. In the rejection above, the examiner interprets that all selections made from available options are "optional". The current claim language does not limit the system to providing a product that is not reconstituted, so it is not necessary that this limitation be disclosed. Furthermore, it would be an obvious matter to one skilled in the art to eliminate the step of reconstitution for a variety of reasons. Finally, the system of Partyka discloses that a vending unit is connected to a remote microcontroller (col. 6

line 32+, col. 7 line 4+) which communicates with the vending unit and affects the operation of the unit--i.e., the microcontroller remotely operates the vending unit.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER R. BUCHANAN whose telephone number is (571)272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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